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Attorneys for Defendant JOHN MUIR HEALTH

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

EDEN A. CABUYAON,

Plaintiff,

vs.

JOHN MUIR HEALTH, a California
corporation, and DOES 1 - 100, Inclusive,

Defendants.

Case No. C09-04554 JSW

**STIPULATION TO VACATE ALL DATES
AND ~~[PROPOSED]~~ ORDER THEREON**

[Assigned to Honorable Jeffrey S. White,
Courtroom 11]

STIPULATION

Plaintiff EDEN A. CABUYAON and Defendant JOHN MUIR HEALTH, by and
through their respective counsel, hereby stipulate and agree as follows:

WHEREAS, Plaintiff and Defendant have reached a settlement regarding this
matter and a formal settlement document is currently being circulated for review;

WHEREAS, it is anticipated that the settlement will be finalized and a Request for
Dismissal With Prejudice will be filed with the court by November 30, 2009;

WHEREAS, the Court may vacate Defendant's pending Notice of Motion and
Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim Upon Which Relief Can Be

1 Granted scheduled for November 13, 2009 and the Case Management Conference scheduled for
2 January 15, 2010.

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4 DATED: October 20, 2009

Respectfully submitted,

5 MUSICK, PEELER & GARRETT LLP

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7 By: 

Kirsten C. Love, Esq.
Attorneys for Defendant
JOHN MUIR HEALTH

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10 DATED: October 20, 2009

Respectfully submitted,

11 LAW OFFICES OF JOHN F. PRENTICE
& ASSOCIATES

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13 By: 

John F. Prentice, Esq.
Attorney for Plaintiff
EDEN A. CABUYAON

[PROPOSED] ORDER

Pursuant to the stipulation of the parties, by and through their respective counsel, and good cause appearing therefor, all hearing and conference dates in this matter shall be vacated and the parties shall have until November 30, 2009 to file a Request for Dismissal in this matter.

IT IS SO ORDERED.

DATED: October 27, 2009


Honorable Jeffrey S. White